

Remarks

The June 10, 2004 Official Action has been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

It is noted that a shortened statutory response period of three (3) months was set forth in the June 10, 2004 Official Action. Therefore, the initial due date for response is September 10, 2004.

At the outset, the Examiner has indicated that claims 13-15 appear to be allowable and free of the prior art.

At pages 2-7 of the Official Action, the Examiner has maintained the rejection of claims 3, 4, and 6-9 and newly rejected claims 16 and 17 for allegedly failing to satisfy the enablement requirement under 35 U.S.C. §112, first paragraph. Specifically, the Examiner maintains the position that while the specification is enabling for assaying sucrose levels in urine, the specification is allegedly not enabling for assaying mannitol as claimed. Additionally, it is the Examiner's position that the specification is not fully enabling for the *in vivo* monitoring of tight junction leakiness correlated with the expression level of ZO-1 or the phosphorylation state of occludin.

The Examiner has also newly rejected claims 3, 4, and 6-9 for allegedly failing to satisfy the written description requirement under 35 U.S.C. §112, first paragraph. The Examiner contends that the phrase "altered expression" in claim 8 does not have clear support in the specification. Additionally, it is the Examiner's position that the phrase "confirming the diagnosis of Barrett's esophageal condition in a patient by performing an endoscopic biopsy" in claim 3 allegedly has no clear support in the specification.

The foregoing rejections constitute all of the grounds set forth in the June 10, 2004 Official Action for refusing the present application.

In accordance with this amendment, claims 3, 4, 6-9, 16, and 17 have been cancelled. All of the rejections outstanding with respect to these claims are, therefore, rendered moot. The cancellation of claims 3, 4, 6-9, 16, and 17 should not be construed as indicative of Applicants' concurrence or acquiescence in the various rejections of claims 3, 4, 6-9, 16, and 17 as set forth in the June 10, 2004 Official Action, or otherwise as an abandonment of Applicants' efforts to secure patent protection on the subject matter of claims 3, 4, 6-9, 16, and 17. To the contrary, Applicants vigorously dispute those grounds of rejection. However, in the interest of expediting prosecution of the instant application, Applicants have cancelled claims 3, 4, 6-9, 16, and 17, thereby obviating all of the rejections set forth in the June 10, 2004 Official Action.


It is respectfully requested that the foregoing remarks and amendments presented herewith be entered in this application, since it is believed they clearly place the pending claims in condition for allowance.

In view of the foregoing remarks and the cancellation of rejected claims, it is respectfully urged that the rejections set forth in the June 10, 2004 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned attorney at the phone number give below.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By


Kathleen D. Rigaut, Ph.D., J.D.
PTO Registration No. 43,047

Telephone: (215) 563-4100
Facsimile: (215) 563-4044